

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

FILED

Charles R Stewart,

(Enter the full name of the plaintiff.)

SEP 23 2020

CARMELITA REEDER SHINN, CLERK
U.S. DIST. COURT, WESTERN DIST. OKLA.
BY Kut, DEPUTY

v.

- (0) Turn Key Health
- (1) Damon Devereaux,
- (2) Leandra James,
- (3) Matthew Sumner.

(Enter the full name of each defendant. Attach additional sheets as necessary.)

CIV-20-957-D

Case No. _____
(Court Clerk will insert case number)

PRO SE PRISONER CIVIL RIGHTS COMPLAINT

Initial Instructions

1. You must type or legibly handwrite the Complaint, and you must answer all questions concisely and in the proper space. Where more space is needed to answer any question, you may attach a separate sheet.
2. You must provide a full name for each defendant and describe where that defendant resides or can be located.
3. You must send the original complaint and one copy to the Clerk of the District Court.
4. You must pay an initial fee of \$400 (including a \$350 filing fee and a \$50 administrative fee). The complaint will not be considered filed until the Clerk receives the \$400 fee or you are granted permission to proceed *in forma pauperis*.
5. If you cannot prepay the \$400 fee, you may request permission to proceed *in forma pauperis* in accordance with the procedures set forth in the Court's form application to proceed *in forma pauperis*. See 28 U.S.C. § 1915; Local Civil Rule 3.3.

- If the court grants your request, the \$50 administrative fee will not be assessed and your total filing fee will be \$350.
- You will be required to make an initial partial payment, which the court will calculate, and then prison officials will deduct the remaining balance from your prison accounts over time.
- These deductions will be made until the entire \$350 filing fee is paid, regardless of how the court decides your case.

7. The Court will review your complaint before deciding whether to authorize service of process on the defendants. See 28 U.S.C. §§ 1915(e)(2), 1915A; 42 U.S.C. § 1997e(c)(1). If the Court grants such permission, the Clerk will send you the necessary instructions and forms.

8. If you have been granted permission to proceed *in forma pauperis*, the United States Marshals Service will be authorized to serve the defendants based on information you provide. If you have not been granted permission to proceed *in forma pauperis*, you will be responsible for service of a separate summons and copy of the complaint on each defendant in accordance with Rule 4 of the Federal Rules of Civil Procedure.

COMPLAINT

I. Jurisdiction is asserted pursuant to:

42 U.S.C. § 1983 and 28 U.S.C. § 1343(a)(3) (NOTE: these provisions generally apply to state prisoners), or

Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971), and 28 U.S.C. § 1331 (NOTE: these provisions generally apply to federal prisoners)

If you want to assert jurisdiction under different or additional statutes, list these below:

N/A

(3) List the supporting facts:

The defendants refuse to allow the Plaintiff access to the Dentist leaving the Plaintiff in Acute Pain in Violation of his rights to dental treatment and *Ramos v. Lamm*, 639 F.2d 559, 574 (10th Cir. 1980).

(4) Relief requested: (State briefly exactly what you want the court to do for you.)

- To Be SEEN By A Dentist Immediately
 - To Be Awarded \$75,000 For Pain and Suffering
-

2. Claim II:

(1) List the right that you believe was violated:

N/A

(2) List the defendant(s) to this claim: (If you have sued more than one defendant, specify each person or entity that is a defendant for this particular claim.)

N/A

II. State whether you are a:

- Convicted and sentenced state prisoner
 Convicted and sentenced federal prisoner
 Pretrial detainee
 Immigration detainee
 Civilly committed detainee
 Other (please explain) _____

III. Previous Federal Civil Actions or Appeals

List each civil action or appeal you have brought in a federal court while you were incarcerated or detained in any facility.

1. Prior Civil Action/Appeal No. 1

a. Parties to previous lawsuit:

Plaintiff(s): N/A

Defendant(s): _____

b. Court and docket number: N/A

c. Approximate date of filing: N/A

d. Issues raised: N/A

e. Disposition (for example: Did you win? Was the case dismissed? Was summary judgment entered against you? Is the case still pending? Did you appeal?): N/A

f. Approximate date of disposition: N/A

If there is more than one civil action or appeal, describe the additional civil actions or appeals using this same format on a separate sheet(s).

IV. Parties to Current Lawsuit

State information about yourself and each person or company listed as a defendant in the caption (the heading) of this complaint.

1. Plaintiff

Name and any aliases: CHARLES RAY STEWART

Address: 216 S. Broad Guthrie, Okla. 73044

Inmate No.: 019560

2. Defendant No. 1

Name and official position: Turn Key Health Care Provider

Place of employment and/or residence: Logan County

Detention Ctr. 216 S Broad St. Guthrie, Ok. 73044

How is this person sued? () official capacity, () individual capacity, () both

3. Defendant No. 2

Name and official position: Logan County Sheriff
Damon Devereaux

Place of employment and/or residence: Logan County Detention Center 216 S. Broad St. Guthrie, Ok. 73044

How is this person sued? () official capacity, () individual capacity, () both

If there are more than two defendants, describe the additional defendants using this same format on a separate sheet(s).

4. Defendant No. 3

Name And Official Position: LeAndra James
Jail Administrator Assistant

Place of Employment and/or residence: Logan County
Detention Center 216 S. Broad Guthrie, OH 73044

How is this Person Sued? Individual Capacity

5. Defendant No. 4

Name And Official Position: Matthew Sumner
Shift Supervisor (Lieutenant)

Place of employment and/or residence: Logan County
Detention Center 216 S. Broad Guthrie, OH 73044

6. Do not include claims relating to your criminal conviction or to prison disciplinary proceedings that resulted in loss of good time credits.
- If a ruling in your favor “would necessarily imply the invalidity” of a criminal conviction or prison disciplinary punishment affecting the time served, then you cannot make these claims in a civil rights complaint unless you have already had the conviction or prison disciplinary proceeding invalidated, for example through a habeas proceeding.

Claims

List the federal right(s) that you believe have been violated, and describe what happened. Each alleged violation of a federal right should be listed separately as its own claim.

1. Claim 1:

- (1) List the right that you believe was violated:

The Plaintiff is being denied the right to access medical creating a Deliberate Indifference

The Defendants Actions Violate, the Eighth Amendments ban against Cruel and Unusual Punishment and the Fourteenth Amendment to the United STATES Constitution

- (2) List the defendant(s) to this claim: (If you have sued more than one defendant, specify each person or entity that is a defendant for this particular claim.)

- (1) Turn Key Health
(2) DAMON DEVEREAUX
(3) LeAndra James
(4) Matthew Sumner

(3) List the supporting facts:

N/A

(4) Relief requested: (State briefly exactly what you want the court to do for you.)

N/A

If there are more than two claims that you wish to assert, describe the additional claims using this same format on a separate sheet(s).

VI. Declarations

I declare under penalty of perjury that the foregoing is true and correct.

Charles Stewart

Plaintiff's signature

9/21-2020

Date

I further declare under penalty of perjury that I placed this complaint in the prison's legal mail system, with the correct postage attached, on the 21st day of September, 2020.

Charles Stewart

Plaintiff's signature

9/21/2020

Date

Attached Supporting Facts

ON or about 7/25/2020 the Plaintiff Submitted a medical sick call Slip seeking medical/ Dental treatment for two Broken teeth causing him Acute pain. Upon visiting with the Health care Provider, the Plaintiff was told "regardless to the Pain", "Per Policy" the Plaintiff would have to Undergo and Complete (3) "treatments" of Ibuprofen and Amoxicillin. The Plaintiff was told "After that, if the pain continued," He would be Prescribed additional Prescription. Because the Chronic pain the Plaintiff was, and continued to experience from the Broken teeth with Exposed Nerves could not be adequately treated by continuously administering Ibuprofen And Amoxicillin the Plaintiff Continued to seek Administrative relief

- On 8/9/2020 the Plaintiff Submitted a request to Staff to jail Administrator Rhonda Lester regarding the same Subject matter. on 8/24/2020 the Plaintiff received back a disposition from Lieutenant Matthew Sumner Contending "You have Cleaning Supplies for your cell and the Pod. We follow CDC guidelines for Screening Inmates." His response was clearly not in relations to the Subject matter of the request, and assumingly in response to a request the Plaintiff Submitted in relations to COVID 19 Concerns.

On 8/18/2020 the Plaintiff Submitted a request to jail Administrator Randy Lester regarding the same subject matter which was responded to by Leandra James in which she provided "you was seen on 8/16/20 for a toothache was given medication. If any more issues place a sick call! No Detention staff can pick these up. Give to Nurse"

On 8/31/2020 the Plaintiff Submitted a request to staff to Sheriff Devereaux, who responded on 8/31/2020 providing "You have a couple of options (1) provide the payment for the Dentist Visit and we will take you (2) follow turn keys Directions. I cannot override Dr's options or healthcare."

On 9/3/2020 the Plaintiff Filed a Grievance on this issue Complaining "The Dr's options requires me (PER POLICY) to complete several treatments of several medications prior to even being considered to see a Dentist. This could TAKE UP TO (90) days to complete! I don't have the money to pay for a Dentist Visit and nor does my family. It is Constitutionally wrong to leave me in pain and I am attempting to seek relief prior to Filing a Civil rights Complaint" Lt Sumner responded on 9/7/2020 contending: "We HAVE TO FOLLOW WHAT TURN THEY TELLS US TO DO..."

The Plaintiff Continues to seek Belief